

September 30, 2021

PHOENIX HOME CARE PHARMACY  
410 E HIGH ST, STE B  
POTOSI, MO 63664

RE: Case No. 21-179

To whom it may concern:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$2500. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Phoenix Home Care Pharmacy )  
 )  
Registration No. 22-107534 )

Case No. 21-179

**SUMMARY ORDER**

NOW, on this 30th day of September 2021 comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Phoenix Home Care Pharmacy (“Respondent”).

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board’s Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. The Board has previously issued Respondent Permit No. 22-107534 which entitles Respondent to function as a Pharmacy in the State of Kansas (“Respondent’s Registration”).
2. On July 1, 2021, Respondent’s Pharmacist-in-Charge (“PIC”) ceased to be licensed in the state of Kansas for non-renewal of the PIC’s Kansas pharmacist license.
3. On September 3, 2021, the Board received a reinstatement application from the PIC to reinstate her Kansas license.
4. To date, Respondent has not provided any notification to the Board of a change in PIC.

5. On May 20, 2021, the Board previously issued Respondent a Summary Order of discipline in case 21-067 for failure to notify the Board of a new designated PIC within 30 days, which became effective on June 7, 2021 resulting in a \$5,000 fine.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the State Board of Pharmacy.

2. Pursuant to K.S.A. 65-1627(e)(1), the Board may take action against a pharmacy upon a finding that the pharmacy has been operated in violation of the Pharmacy Act of the State of Kansas or any regulations thereunder.

3. Pursuant to K.A.R. 68-7-12a(a)(4), each nonresident pharmacy shall designate a PIC, as defined by K.S.A. 65-1626 and amendments thereto, who shall be responsible for receiving communications from the board.

4. Pursuant to K.S.A. 65-1626(xx), PIC means the pharmacist who is responsible to the Board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs.

5. Pursuant to K.S.A. 65-1626(ww), pharmacist means any natural person licensed under the Pharmacy Act of the State of Kansas to practice pharmacy.

6. Since Respondent's PIC ceased to hold a Kansas pharmacist license effective July 1, 2021 for nonrenewal, Respondent did not have a Kansas-licensed PIC.

7. Respondent violated K.A.R. 68-7-12a(a)(4) by failing to have a Kansas-licensed PIC and/or notify the Board within 30 days.

8. This is Respondent's second violation of the Kansas Pharmacy Act in relation to a PIC.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent is ordered to pay a fine of \$2,500 to the Board within 30 days from the date of this Order.

NOTICES

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.

2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

9/30/2021

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Date

*Alex Blasi*

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Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 30th day of September 2021 deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

PHOENIX HOME CARE PHARMACY  
410 E HIGH ST, STE B  
POTOSI, MO 63664



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Kansas Board of Pharmacy Staff